

# Civil Liability Indexation Notice 2025

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, provide this human rights certificate with respect to the *Civil Liability Indexation Notice 2025* (CL Indexation Notice) made under section 75 of the *Civil Liability Act 2003* (CL Act).

In my opinion, the CL Indexation Notice, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

Section 75 of the CL Act provides for the annual indexation of various monetary caps and thresholds relating to damages for personal injury. Under section 75(1) of the CL Act, the Minister must, before each financial year starts, make a notice for the financial year fixing the following amounts:

- the threshold which determines whether a court can award damages for loss of consortium or loss of servitium (CL Act, section 58(1)(b));
- caps on general damages (CL Act, section 62(2)(a) and (b)); and
- the threshold for notification by a court about a proposed award for future loss to give the parties to a proceeding a reasonable opportunity to negotiate a structured settlement (CL Act, section 64(2)).

Under section 75(2) of the CL Act, the amounts fixed are to be the amounts last fixed by the Minister, adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards). Under section 75(5) of the CL Act, the Minister's notice is subordinate legislation.

The CL Indexation Notice, which commences on 1 July 2025, fixes the indexed amounts for or under sections 58(1)(b), 62(2)(a) and (b) and 64(2) of the CL Act for the 2025-26 financial year.

### Human Rights Issues

The CL Indexation Notice does not raise any human rights issues.

## Conclusion

I consider that the CL Indexation Notice is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**DEB FRECKLINGTON MP**  
Attorney-General and Minister for Justice  
Minister for Integrity

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